

**From:** [Hunter, Christopher](#)  
**To:** [Havard, James](#)  
**Cc:** [Lewicki, Chris](#); [Monschein, Eric](#)  
**Subject:** RE: (b) (5) Two TMDL-Related Matters  
**Date:** Wednesday, April 11, 2018 12:22:00 PM

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Re: Deschutes TMDL (not litigation) status – I talked with Miranda Hodgkiss about the status. The RA may have been briefed about the litigation, but not on the TMDL decision yet. The Regional 303d program has drafted a decision document and it's being reviewing by ORC this week (we might see it next week). (b) (5)

(b) (5)

Simultaneously, briefings for Dan O and the RA are being prepped now, and it's anticipated that once the RA is briefed, he'll want to talk to AAOW before finalizing before the end of June. (b) (5)

(b) (5)

I'll try to condense all of this into a weekly talking point now.

Chris Hunter  
202.566.1454  
Watershed Branch, Office of Water  
US Environmental Protection Agency

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**From:** Havard, James  
**Sent:** Wednesday, April 11, 2018 11:45 AM  
**To:** Hunter, Christopher <[Hunter.Christopher@epa.gov](mailto:Hunter.Christopher@epa.gov)>  
**Cc:** Lewicki, Chris <[Lewicki.Chris@epa.gov](mailto:Lewicki.Chris@epa.gov)>; Monschein, Eric <[Monschein.Eric@epa.gov](mailto:Monschein.Eric@epa.gov)>  
**Subject:** FW: (b) (5) Two TMDL-Related Matters

Chris H – See reference to RA's proposed course of action on Deschutes (see highlight below). Do we know yet? Thanks!

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**From:** Curtin, James  
**Sent:** Wednesday, April 11, 2018 10:06 AM  
**To:** Wall, Tom <[Wall.Tom@epa.gov](mailto:Wall.Tom@epa.gov)>  
**Cc:** Havard, James <[Havard.James@epa.gov](mailto:Havard.James@epa.gov)>; Monschein, Eric <[Monschein.Eric@epa.gov](mailto:Monschein.Eric@epa.gov)>; Lewicki, Chris <[Lewicki.Chris@epa.gov](mailto:Lewicki.Chris@epa.gov)>  
**Subject:** RE: (b) (5) Two TMDL-Related Matters

Thanks very much, Tom.

**Jim**

Jim Curtin  
USEPA Office of General Counsel  
Water Law Office  
202-564-5482  
William Jefferson Clinton North Rm. 7451

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**From:** Wall, Tom  
**Sent:** Wednesday, April 11, 2018 10:04 AM  
**To:** Curtin, James <[curtin.james@epa.gov](mailto:curtin.james@epa.gov)>  
**Cc:** Havard, James <[Havard.James@epa.gov](mailto:Havard.James@epa.gov)>; Monschein, Eric <[Monschein.Eric@epa.gov](mailto:Monschein.Eric@epa.gov)>; Lewicki, Chris <[Lewicki.Chris@epa.gov](mailto:Lewicki.Chris@epa.gov)>

**Subject:** FW: (b) (5) Two TMDL-Related Matters

Jim C: Request has been made:

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**From:** Wall, Tom

**Sent:** Wednesday, April 11, 2018 9:58 AM

**To:** Havard, James <[Havard.James@epa.gov](mailto:Havard.James@epa.gov)>; Monschein, Eric <[Monschein.Eric@epa.gov](mailto:Monschein.Eric@epa.gov)>; Lewicki, Chris <[Lewicki.Chris@epa.gov](mailto:Lewicki.Chris@epa.gov)>

**Subject:** (b) (5) Two TMDL-Related Matters

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**From:** Connors, Sandra

**Sent:** Wednesday, April 11, 2018 9:57 AM

**To:** Ross, David P <[ross.davidp@epa.gov](mailto:ross.davidp@epa.gov)>

**Cc:** Forsgren, Lee <[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)>; Best-Wong, Benita <[Best-Wong.Benita@epa.gov](mailto:Best-Wong.Benita@epa.gov)>; Campbell, Ann <[Campbell.Ann@epa.gov](mailto:Campbell.Ann@epa.gov)>; Wall, Tom <[Wall.Tom@epa.gov](mailto:Wall.Tom@epa.gov)>; Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>

**Subject:** RE: (b) (5) Two TMDL-Related Matters

Dave – Good morning. (b) (5)

Chesapeake Bay TMDL: (b) (5)

On the Deschutes TMDLs also referenced below, we are quickly approaching the deadlines for EPA action. The R10 RA has been briefed and we are working with the Region to schedule time for you and Chris to engage on his proposed course of action. We will provide you with materials and happy to provide a briefing if desired.

Thanks,

*Sandra*

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Sandra L. Connors  
Deputy Director  
Office of Wetlands, Oceans, and Watersheds  
US Environmental Protection Agency, MC 4501T

1200 Pennsylvania Avenue, WJCW 7130A  
Washington, DC 20460  
(202)564-4231  
[connors.sandra@epa.gov](mailto:connors.sandra@epa.gov)

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**From:** Ross, David P

**Sent:** Thursday, March 22, 2018 4:17 PM

**To:** Connors, Sandra <[Connors.Sandra@epa.gov](mailto:Connors.Sandra@epa.gov)>

**Cc:** Forsgren, Lee <[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)>; Best-Wong, Benita <[Best-Wong.Benita@epa.gov](mailto:Best-Wong.Benita@epa.gov)>;  
Campbell, Ann <[Campbell.Ann@epa.gov](mailto:Campbell.Ann@epa.gov)>; Wall, Tom <[Wall.Tom@epa.gov](mailto:Wall.Tom@epa.gov)>

**Subject:** Re: (b) (5) Two TMDL-Related Matters

Hi Sandra,

First question. Is the James River case (b) (5)

[REDACTED]

Regarding the Deschutes River (b) (5)

[REDACTED]

I will weigh in on the James River matter after you answer my question above. Thanks.

Dave

Sent from my iPad

On Mar 21, 2018, at 7:14 PM, Connors, Sandra <[Connors.Sandra@epa.gov](mailto:Connors.Sandra@epa.gov)> wrote:

DELIBERATIVE

(b) (5)

[REDACTED]  
[REDACTED] We would be happy to provide additional background or briefings as  
desired.

CB TMDL: (b) (5)

[REDACTED]

(b) (5)

Deschutes River: (b) (5)

If you are comfortable with these approaches, we will convey that to OGC.  
Thanks,

*Sandra*

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Sandra L. Connors  
Deputy Director

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[connors.sandra@epa.gov](mailto:connors.sandra@epa.gov)

**From:** [Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)

**Date:** March 9, 2018 at 11:55:24 AM CST

**To:** [ross.davidp@epa.gov](mailto:ross.davidp@epa.gov)

**Cc:** Lee Forsgren <[forsgren.lee@epa.gov](mailto:forsgren.lee@epa.gov)>, Tom Wall <[Wall.Tom@epa.gov](mailto:Wall.Tom@epa.gov)>, [Havard.James@epa.gov](mailto:Havard.James@epa.gov)

**Subject:** FYI: Deschutes TMDL Joint Status Report Filing Today

DELIBERATE

Dave— As mentioned at staff meeting Monday, today DOJ and plaintiff are filing a joint status report in Northwest Environmental Advocates v EPA, USDC, W.D. of Washington. This case alleges EPA failed to carry out its nondiscretionary duty to approve or disapprove the Deschutes River TMDLs within thirty days after submission by the State. The TMDL submission by the State involves 73 water segments and 5 pollutants, and was submitted in 2015 and supplemented in 2017. (b) (5)

(b) (5)



Thanks

John

Sent from my iPhone